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7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-35**

12 **MARIA JANET CROUDIP**  
1821 East McMillan St.  
13 Compton, CA. 90221

**A C C U S A T I O N**

14 Registered Nurse License No. 607418

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs (Board).

22 2. On or about October 2, 2002, the Board of Registered Nursing issued Registered  
23 Nurse License No. 607418 to Maria Janet Croudip (Respondent). The Registered Nurse License  
24 was in full force and effect at all times relevant to the charges brought herein and expired on  
25 August 31, 2008, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b) of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 2750 of the Code provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2761 of the Code provides:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct...

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

....

8. Section 2762 of the Code provides:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
3 administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
13 or the possession of, or falsification of a record pertaining to, the substances described in  
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
15 thereof.

16       ....  
17       9.    Section 2764 of the Code provides that the expiration of a license shall not deprive  
18 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
19 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the  
20 Board may renew an expired license at any time within eight years after the expiration.

21       10.   Health and Safety Code section 11550 makes it unlawful for any person to use or be  
22 under the influence of any controlled substance in Schedule II (Health and Safety Code section  
23 11055), or any narcotic drug in Schedules III-V, except when administered by or under the  
24 direction of an authorized license.

#### 25                                   REGULATORY PROVISIONS

26       11.   California Code of Regulations, title 16, section 1444, provides:

27       "A conviction or act shall be considered to be substantially related to the qualifications,  
28 functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
2 safety, or welfare.”

3 **COST RECOVERY**

4 12. Section 125.3 of the Code provides that the Board may request the administrative law  
5 judge to direct a licentiate found to have committed a violation or violations of the licensing act to  
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

8 13. Ambien is a Schedule IV controlled substance, as designated by Health and Safety  
9 Code section 11057, subdivision (d)(32), and is categorized as a dangerous drug pursuant to  
10 section 4022 of the Code.

11 14. Soma is a dangerous drug, pursuant to 4022 of the Code.

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Conviction of a Substantially Related Crime)

14 15. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision  
15 (f), in conjunction with California Code of Regulations, title 16, section 1444, in that, Respondent  
16 was convicted of a crime substantially related to the qualifications, functions or duties of a  
17 registered nurse which to a substantial degree evidences her present or potential unfitness to  
18 practice in a manner consistent with the public health, safety, or welfare. The circumstances are  
19 as follows:

20 a. On or about April 29, 2009, after pleading nolo contendere, Respondent was  
21 convicted of one misdemeanor count of violating Vehicle Code section 23152(A) [driving under  
22 the influence of a drug] in the criminal proceeding entitled *The People of the State of California*  
23 *v. Maria Croudip* (Super. Ct. Los Angeles County, 2009, No. 9MP04595). The Court sentenced  
24 Respondent to 48 hours in jail, placed Respondent on 36 months of probation, and ordered  
25 Respondent to complete an AB-541 Program. In addition, the Court ordered Respondent to  
26 complete a 3-month Licensed 1<sup>st</sup> Offender Alcohol and Other Drug Education and Counseling  
27 Program, and attend ten (10) Alcohol Anonymous meetings at rate of one (1) a week, in addition  
28 to those required as part of the Alcohol and Other Drug Education Program.

1           b.     The circumstances underlying the conviction are that on or about March 29, 2009,  
2 Los Angeles Police Department Officers arrested Respondent for driving under the influence of a  
3 controlled substance and / or dangerous drugs, after Respondent collided into another vehicle.  
4 Respondent admitted to the arresting officers to being under the influence of Ambien and / or  
5 Soma.

6                                   **SECOND CAUSE FOR DISCIPLINE**

7                                   (Conviction Involving Controlled Substance/ Dangerous Drugs)

8           16.   Respondent is subject to disciplinary action under sections 2761, subdivision (a), and  
9 2762, subdivision (c), on the grounds of unprofessional conduct, in that, on or about March 29,  
10 2009, Respondent was convicted of a criminal offense involving a controlled substance and / or  
11 dangerous drugs. Complaint refers to and by this reference incorporates the allegations set forth  
12 above in paragraph 15, subparagraphs a and b, inclusive, as though set forth fully.

13                                   **THIRD CAUSE FOR DISCIPLINE**

14                                   (Dangerous Use of Controlled Substance/Dangerous Drugs)

15           17.   Respondent is subject to disciplinary action under sections 2761, subdivision (a), and  
16 2762, subdivision (b), on the grounds of unprofessional conduct, in that, on or about March 29,  
17 2009, Respondent used a controlled substance and /or dangerous drugs to an extent or in a manner  
18 dangerous or injurious to herself or others when she drove a vehicle while under the influence of  
19 Ambien and / or Soma. Complaint refers to and by this reference incorporates the allegations set  
20 forth above in paragraphs 15 and 16, inclusive, as though set forth fully.

21                                   **FOURTH CAUSE FOR DISCIPLINE**

22                                   (Unlawfully Self-Administer Controlled Substance)

23           18.   Respondent is subject to disciplinary action under section 2762, subdivision (a),  
24 in conjunction with Health and Safety Code section 11550, in that, on or about March 29, 2009,  
25 Respondent unlawfully self-administered Ambien, a controlled substance and dangerous drug,  
26 and Soma, a dangerous drug. Complaint refers to and by this reference incorporates the  
27 allegations set forth above in paragraphs 15-17, inclusive, as though set forth fully.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 19. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and  
4 (d), on the grounds of unprofessional conduct, in that, on or about March 29, 2009, Respondent  
5 committed acts of unprofessional conduct, and / or acts violating provisions of the Nursing  
6 Practice Act. Complaint refers to and by this reference incorporates the allegations set forth above  
7 in paragraphs 15-18, inclusive, as though set forth fully.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License No. 607418, issued to Maria Janet  
12 Croudip;
- 13 2. Ordering Maria Janet Croudip to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16
- 17

18 DATED: July 19, 2011

Louise R. Bailey  
LOUISE R. BAILEY, M.Ed., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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24 accusation.rtf